REMARKS

The applicant respectfully requests reconsideration in view of the amendments and the following remarks. The applicant has incorporated portions of claim 5 and claim 15 into claim 3. The applicant amended the definition of CyDl, CyD2 and CyD3 to "**heteroaromatic** cyclic groups, which may bear one or more substituents R and which contain endocyclically the donor groups Dl, D2 and D3". Although there is no literal support for the term "heteroaromatic", the term flows from the specification. Paragraph [0012] of the published application and claim 14 disclose that the ortho-metalation of an arylic C-H bond is accelerated by the action of microwave radiation. Furthermore, the examples relate to phenylpyridine as the ligand. In phenylpyridine, the group CyD is pyridine, i.e. a heteroaromatic cyclic group. Heteroaromatic cyclic group is narrower than cyclic group. Additionally, paragraph [0056] of the published specification states that the examples do not restrict the invention and that the person skilled in the art can carry out the inventive process without any further inventive activity on further ligand systems and on other metals. The applicant has narrowed the claim. The applicant believes that no new matter has been added to the claims.

The Examiner maintains his rejections of claims 3-16 are rejected under 35 U.S.C. 112 as failing to comply with the written description requirement. The Examiner stated that claims 3-16 remain rejected under 35 U.S.C. 112 because the specification does not reasonably provide enablement for any ligand/metal combination other then 2-phenylpyridine and iridium. Claims 1-8 and 10-14 remain rejected under 35 U.S.C. 102(b) as anticipated by Konno et al. (*Chemistry Letters, 2003*, 252-253, Released February 12, 2003). The applicant respectfully traverses these rejections.

Rejections under 35 U.S.C. 112

Claims 3-16 remain rejected under 35 U.S.C. 112 because the specification does not reasonably provide enablement for any ligand/metal combination other then 2-phenylpyridine and iridium.

The applicant has limited the definition of the metal M to rhodium, iridium, palladium, platinum, and gold. This is a restricted selection of the metals as disclosed in claim 5. All of these metals are metals having a d^8 electron configuration, which show a similar chemical reactivity. In addition, the applicant amended the definition of CyDl, CyD2 and CyD3 to heteroaromatic cyclic groups, which may bear one or more substituents R and which contain endocyclically the donor groups Dl, D2 and D3.

The chemical structures embraced by these amended definitions are all very similar to each other as all these structures relate to the same general ligand system. This ligand binds to the metal via a heteroaromatic group CyD, which binds via the donor atom D. The applicant believes that these chemical structures are minor variations of the ligand 2-phenylpyridine, which is used in the examples of the pending application. The applicant believes that the claims are in compliance with 35 U.S.C. 112, first paragraph. For the above reasons, this rejection should be withdrawn.

Rejections under 35 U.S.C. 102(b)

Claims 1-8 and 10-14 remain rejected under 35 U.S.C. 102(b) as anticipated by Konno et al. (*Chemistry Letters, 2003*, 252-253, Released February 12, 2003). Since claim 15 was not

rejected over this rejection, the applicant has incorporated claim 15 into claim 3. For the above reasons, this rejection should be withdrawn.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00050-US from which the undersigned is authorized to draw.

Dated: April 7, 2009

Respectfully submitted,

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